

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

22-cr-2053-MLG

JOHN LOPEZ,

Defendant.

**UNOPPOSED MOTION TO ALLOW DEFENDANT TO
REMOVE AND REPLACE ELECTRONIC MONITOR FOR MEDICAL
APPOINTMENT**

COMES NOW, John Lopez, through undersigned counsel, and hereby requests permission to temporarily remove the electronic monitor that was imposed as a condition of his release in the Court's most recent Order Granting United States' Second Motion to Revoke Defendant's Conditions of Release, and Setting New Conditions of Release (Doc. 84) for his medical appointment on March 7, 2024. This motion is unopposed.

1. On January 4, 2023, and pursuant to a summons, Mr. Lopez appeared in court for his initial appearance to answer charges contained in an Indictment (Doc. 2). *See* Doc. 10.

2. From the outset of this case, the Court adopted the recommendation of Pre-Trial Services and released Mr. Lopez on his own recognizance. *See* Docs. 8-10.

3. On October 17, 2023, the grand jury returned a superseding indictment (Doc. 32) in this case.

4. The following day, the government filed a motion to revoke Mr. Lopez's conditions of release. *See* Doc. 34. The Court granted in part and denied in part the government's motion. *See* Doc. 41.

5. On January 26, 2024, the government filed a second motion to revoke conditions of release. (Doc. 61). The Court granted the government's motion to revoke after a hearing on

March 4, 2024, and imposed home incarceration, and being “placed on home incarceration with electronic monitoring as implemented and directed by United States Probation/Pretrial Services.” (Doc. 84).

6. Mr. Lopez was previously scheduled for a Magnetic Resonance Imaging (MRI) with Northern Arizona Radiology on March 7, 2024, at 2:15 p.m. *See* Exhibit 1, attached.

7. In order for the MRI to take place, Mr. Lopez cannot wear or have any metal on his body.

8. The electronic device ordered to be placed on Mr. Lopez in the Court’s most recent Order Setting New Conditions of Release will prevent Mr. Lopez from being able to have the MRI performed.

9. By this motion, Mr. Lopez seeks permission to have the United States Probation/Pretrial Services remove the electronic device for the duration of the medical appointment for the MRI on March 7, 2024, and replaced after the appointment is complete.

10. The government, through Assistant United States Attorney Frederick Mendenhall, does not oppose this correction.

WHEREFORE, Mr. Lopez requests that the Court allow Mr. Lopez to have the United States Probation/Pretrial Services remove the electronic device for the duration of his medical appointment on March 7, 2024, and replaced after the appointment is completed.

Respectfully Submitted,

/s/ Joel R. Meyers

Joel R. Meyers

The Law Office of Joel R. Meyers LLC

1000 Cordova Place, #930

Santa Fe, NM 87505

jrm@jrmeyerslaw.com

(505) 847-7757

(505) 847-5929 FAX

/s/ Brittany Schaffer

Ahmad Assed
Britany J. Schaffer
Ahmad Assed & Associates
818 5th Street NW
Albuquerque, NM 87102

/s/ Shaheen P. Torgoley

Ryan, Rapp, Pacheco & Sorenson, PLC
3200 N. Central Avenue, Suite 2250
Phoenix, Arizona 85012
storgoley@rrpklaw.com
(602) 707-1383

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March, 2024, I filed the foregoing electronically through the CM/ECF system, which caused Counsel for the Plaintiff to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Frederick Mendenhall
Taylor Hartstein
Assistant United States Attorneys
United States Attorney's Office
201 Third Street NW, Suite 900
Albuquerque, NM 87103

/s/ Brittany Schaffer
Attorney for Defendant